

1 Gregory P. Goonan (Cal. Bar #119821)

2 **The Affinity Law Group APC**

3 600 West Broadway, Suite 400

4 San Diego, CA 92101

5 Tel: 619-702-4335

6 Fax: 619-243-0088

7 E-mail: ggoonan@affinity-law.com

8 Attorneys for Plaintiff

9 VAL POPESCU

10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 VAL POPESCU, an individual;

13 Plaintiff,

14 vs.

15 4ACCESS COMMUNICATIONS  
16 COMPANY, a Delaware corporation, and  
17 DOES 1 through 10, Inclusive

18 Defendants.

Case No. 08 CV 525 JM (RBB)

**DECLARATION OF GREGORY P.  
GOONAN IN RESPONSE TO  
DEFENDANT'S OBJECTION TO  
DECLARATION OF VAL POPESCU AND  
IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANT'S  
MOTION TO DISMISS FOR IMPROPER  
VENUE**

Hearing Date: May 30, 2008

Time: 1:30 p.m.

Court: 16 (Hon. Jeffrey T. Miller)

**ORAL ARGUMENT REQUESTED**

19 I, Gregory P. Goonan, state as follows for my declaration:

20 1. I am a shareholder of The Affinity Law Group APC, attorneys of record for plaintiff in  
21 this action. I offer this declaration in response to the objection that defendant 4Access  
22 Communications Company ("4Access") has made to the May 16, 2008 declaration of Val  
23 Popescu, and in further support of Plaintiff's opposition to 4Access' motion to dismiss Plaintiff's

***GOONAN DECLARATION IN RESPONSE TO OBJECTION TO DECLARATION OF VAL POPESCU FILED  
IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS FOR IMPROPER VENUE***

1 first amended complaint for improper venue. I have personal knowledge of the facts set forth in  
2 this declaration and, if called as a witness, I could and would testify competently thereto.

3 2. Paragraph 5 of Mr. Popescu's May 16, 2008 declaration makes reference to the letter  
4 provided to him by 4Access in which the amount of salary that 4Access was supposed to pay Mr.  
5 Popescu is set forth. As the Court will see when it reviews 4Access' objection to Mr. Popescu's  
6 declaration as well as the document I electronically filed as Exhibit 1 along with Mr. Popescu's  
7 declaration, I inadvertently filed the wrong letter as Exhibit 1 to Mr. Popescu's declaration.

8 3. I would have expected that 4Access' lawyers might have contacted me and simply  
9 advised me of my error once they discovered it since they knew it was an error that was easy to  
10 correct. This is especially true given than 4Access' lawyers obviously have a copy of the  
11 employment letter that was supposed to be submitted as the correct Exhibit 1 to Mr. Popescu's  
12 declaration since they referred to it in 4Access' reply memorandum. But 4Access' lawyers did not  
13 choose such path – instead, they chose to waste time and effort by filing a formal objection and  
14 adding a fairly sarcastic footnote (footnote 1) to 4Access' reply memorandum.

15 4. In any event, I submit herewith as Exhibit 1 a true and correct copy of the letter referred  
16 to in paragraph 5 of Mr. Popescu's declaration. The letter submitted herewith as Exhibit 1 is the  
17 letter that should have been submitted as Exhibit 1 to Mr. Popescu's declaration.  
18

19  
20 I declare under the penalty of perjury under the laws of the United States of America that  
21 the foregoing is true and correct. Executed on May 28, 2008 at San Diego, CA.  
22  
23

24 /s/ Gregory P. Goonan  
25 Gregory P. Goonan  
26  
27  
28

**Certificate of Service**

The undersigned hereby certifies that on this 28<sup>th</sup> day of May 2008, a true and accurate copy of the attached document was electronically filed with the Court, to be served by operation of the Court's electronic filing system, upon the following:

Douglas J. Rovens  
Jeffrey S. Renzi  
Squire Sanders & Dempsey LLP  
555 South Flower Street, Suite 3100  
Los Angeles, CA 90071-2300  
Attorneys for Defendant 4Access Communications Company

/s/ Gregory P. Goonan  
Gregory P. Goonan



Steven D. Davis  
President and CEO

*COPY*

February 24, 2002

Mr. Val Popescu  
8680 Miralani Drive  
San Diego, California

Re: Offer of Employment

Dear Mr. Popescu,

It is our pleasure to offer you the position of Chief Technology Officer with 4Access Communications. The base salary for this position will be \$175,000 per year. However, the initial salary will begin at a rate of \$120,000 per year. The company will then increase the salary to the full level once adequate cash flow is present. It is anticipated that this will occur within 6-8 months.

In addition to the base salary, as an employee you will be entitled to performance based bonuses and bonuses based on company performance. These bonuses will be determined by the Chief Executive Officer.

In addition to participation in the company stock option plan, 4Access will issue you a separate allotment of stock. The amount of the issuance will be determined in the near future. This allotment of stock is being offered to show the company's appreciation for your hard work and dedication up to this point. This offering is unique to you and shall be held in strict confidence.

You will also have the option to participate in the company benefits plan and 401k program. These programs will be made available to you at the beginning of the employment period, which shall be March 4<sup>th</sup>.

In addition to this offer letter, you will receive an employment contract and other documents once this offer has been signed and accepted.

If this letter is acceptable, please sign below. I look forward to working with you to build 4Access into a successful company.

Sincerely,

A handwritten signature of Steven Davis in dark ink.

Steven Davis  
President & CEO

I, Val Popescu, accept this offer of employment on this 25 day of February 2002.

A handwritten signature of Val Popescu in dark ink.  
Val Popescu